

B-Engrossed
Senate Bill 802

Ordered by the House May 14
Including Senate Amendments dated April 22 and House Amendments
dated May 14

Sponsored by Senator MONNES ANDERSON; Senators MONROE, WINTERS, Representatives DEMBROW,
GORSEK, HUFFMAN, JOHNSON, WHISNANT (at the request of Oregon Community College Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Defines "dentist of record." Provides that institution or program accredited by Commission on Dental Accreditation of American Dental Association does not need to name actively licensed dentist as dental director of dental offices or clinics owned or operated by institution or program. Requires accredited institution or program to maintain list of dentists of record providing dental care in dental clinic or office owned or operated by institution or program and to provide list to Oregon Board of Dentistry upon request.

A BILL FOR AN ACT

1
2 Relating to naming an actively licensed dentist as a dental director; creating new provisions; and
3 amending ORS 679.010 and 679.020.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 679.010 is amended to read:

6 679.010. As used in this chapter and ORS 680.010 to 680.205, unless the context requires other-
7 wise:

8 (1) "Dental assistant" means a person who, under the supervision of a dentist, renders assistance
9 to a dentist, dental hygienist, dental technician or another dental assistant or renders assistance
10 under the supervision of a dental hygienist providing dental hygiene.

11 (2) "Dental hygiene" means that portion of dentistry that includes the rendering of educational,
12 preventive and therapeutic dental services and diagnosis and treatment planning for such services.
13 "Dental hygiene" includes, but is not limited to, scaling, root planing, curettage, the application of
14 sealants and fluoride and any related intraoral or extraoral procedure required in the performance
15 of such services.

16 (3) "Dental hygienist" means a person who, under the supervision of a dentist, practices dental
17 hygiene.

18 (4) "Dental technician" means that person who, at the authorization of a dentist, makes, pro-
19 vides, repairs or alters oral prosthetic appliances and other artificial materials and devices which
20 are returned to a dentist and inserted into the human oral cavity or which come in contact with its
21 adjacent structures and tissues.

22 (5) "Dentist" means a person who may perform any intraoral or extraoral procedure required
23 in the practice of dentistry.

24 (6) **"Dentist of record" means a dentist that either authorizes treatment for, supervises
treatment of or provides treatment for a patient in a dental office or clinic owned or oper-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **ated by an institution as described in ORS 679.020 (3).**

2 [(6)] (7) “Dentistry” means the healing art which is concerned with the examination, diagnosis,
3 treatment planning, treatment, care and prevention of conditions within the human oral cavity and
4 maxillofacial region and conditions of adjacent or related tissues and structures. The practice of
5 dentistry includes but is not limited to the cutting, altering, repairing, removing, replacing or repo-
6 sitioning of hard or soft tissues and other acts or procedures as determined by the Oregon Board
7 of Dentistry and included in the curricula of dental schools accredited by the Commission on Dental
8 Accreditation of the American Dental Association, post-graduate training programs or continuing
9 education courses.

10 [(7)] (8) “Direct supervision” means supervision requiring that a dentist diagnose the condition
11 to be treated, that a dentist authorize the procedure to be performed, and that a dentist remain in
12 the dental treatment room while the procedures are performed.

13 [(8)] (9) “Expanded practice dental hygienist” means a dental hygienist who performs dental
14 hygiene services in accordance with ORS 680.205 as authorized by an expanded practice dental
15 hygienist permit issued by the board under ORS 680.200.

16 [(9)] (10) “General supervision” means supervision requiring that a dentist authorize the proce-
17 dures by standing orders, practice agreements or collaboration agreements, but not requiring that
18 a dentist be present when the authorized procedures are performed. The authorized procedures may
19 also be performed at a place other than the usual place of practice of the dentist.

20 [(10)] (11) “Indirect supervision” means supervision requiring that a dentist authorize the pro-
21 cedures and that a dentist be on the premises while the procedures are performed.

22 **SECTION 2.** ORS 679.020 is amended to read:

23 679.020. (1) A person may not practice dentistry without a license.

24 (2) Only a person licensed as a dentist by the Oregon Board of Dentistry may own, operate,
25 conduct or maintain a dental practice, office or clinic in this state.

26 (3) The restrictions of subsection (2) of this section, as they relate to owning and operating a
27 dental office or clinic, do not apply to a dental office or clinic owned or operated by any of the
28 following:

29 (a) A labor organization as defined in ORS 243.650 and 663.005 (6), or to any nonprofit organ-
30 ization formed by or on behalf of such labor organization for the purpose of providing dental ser-
31 vices. Such labor organization must have had an active existence for at least three years, have a
32 constitution and bylaws, and be maintained in good faith for purposes other than providing dental
33 services.

34 (b) The School of Dentistry of the Oregon Health and Science University.

35 (c) Public universities listed in ORS 352.002.

36 (d) Local governments.

37 (e) Institutions or programs accredited by the Commission on Dental Accreditation of the
38 American Dental Association to provide education and training.

39 (f) Nonprofit corporations organized under Oregon law to provide dental services to rural areas
40 and medically underserved populations of migrant, rural community or homeless individuals under
41 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(1)(2)(B) operating in com-
42 pliance with other applicable state and federal law.

43 (g) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue
44 Code and determined by the Oregon Board of Dentistry as providing dental services by volunteer
45 licensed dentists to populations with limited access to dental care at no charge or a substantially

1 reduced charge.

2 (4) For the purpose of owning or operating a dental office or clinic, an entity described in sub-
3 section (3) of this section must:

4 (a) **Except as provided in section 3 of this 2013 Act**, name an actively licensed dentist as its
5 dental director, who shall be subject to the provisions of ORS 679.140 in the capacity as dental di-
6 rector. The dental director, or an actively licensed dentist designated by the director, shall have
7 responsibility for the clinical practice of dentistry, which includes, but is not limited to:

8 (A) Diagnosis of conditions within the human oral cavity and its adjacent tissues and structures.

9 (B) Prescribing drugs that are administered to patients in the practice of dentistry.

10 (C) The treatment plan of any dental patient.

11 (D) Overall quality of patient care that is rendered or performed in the practice of dentistry.

12 (E) Supervision of dental hygienists, dental assistants or other personnel involved in direct pa-
13 tient care and the authorization for procedures performed by them in accordance with the standards
14 of supervision established by statute or by the rules of the board.

15 (F) Other specific services within the scope of clinical dental practice.

16 (G) Retention of patient dental records as required by statute or by rule of the board.

17 (H) Ensuring that each patient receiving services from the dental office or clinic has a dentist
18 of record.

19 (b) Maintain current records of the names of licensed dentists who supervise the clinical activ-
20 ities of dental hygienists, dental assistants or other personnel involved in direct patient care utilized
21 by the entity. The records must be available to the board upon written request.

22 (5) Subsections (1) and (2) of this section do not apply to an expanded practice dental hygienist
23 who renders services authorized by a permit issued by the board pursuant to ORS 680.200.

24 (6) Nothing in this chapter precludes a person or entity not licensed by the board from:

25 (a) Ownership or leasehold of any tangible or intangible assets used in a dental office or clinic.
26 These assets include real property, furnishings, equipment and inventory but do not include dental
27 records of patients related to clinical care.

28 (b) Employing or contracting for the services of personnel other than licensed dentists.

29 (c) Management of the business aspects of a dental office or clinic that do not include the clin-
30 ical practice of dentistry.

31 (7) If all of the ownership interests of a dentist or dentists in a dental office or clinic are held
32 by an administrator, executor, personal representative, guardian, conservator or receiver of the es-
33 tate of a former shareholder, member or partner, the administrator, executor, personal represen-
34 tative, guardian, conservator or receiver may retain the ownership interest for a period of 12 months
35 following the creation of the ownership interest. The board shall extend the ownership period for
36 an additional 12 months upon 30 days' notice and may grant additional extensions upon reasonable
37 request.

38 **SECTION 3. (1) ORS 679.020 (4)(a) does not apply to institutions or programs accredited**
39 **by the Commission on Dental Accreditation of the American Dental Association to provide**
40 **education and training.**

41 **(2) Institutions or programs described in subsection (1) of this section must:**

42 **(a) Maintain a list of the dentists of record that provide dental care in a dental clinic or**
43 **office owned or operated by the institution or program; and**

44 **(b) Provide the list maintained under this subsection to the Oregon Board of Dentistry**
45 **when requested by the board.**

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SECTION 4. Section 3 of this 2013 Act is added to and made a part of ORS chapter 679.

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